



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD)No.15662 of 2015

and

M.P. (MD)No.1 of 2015

M.Vikram

... Petitioner

Vs.

1.The Secretary,

Government of Tamil Nadu,

Home Department,

Fort St.George, Chennai.

2.The Chairman,

Tamil Nadu Uniform Service Recruitment Board,

Chennai.

3.The Secretary,

Tamil Nadu Uniform Service Recruitment Board,

Chennai.

4.The Chairman,

Recruitment Sub Committee,

Madurai Center, Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent pertaining to the order in C.No.R2/315/2015, dated 05.08.2015 disqualifying the petitioner in the event of physical long jump of physical efficiency test and quash the same and consequently, direct the respondent to permit the petitioner to participate in the further selection process.

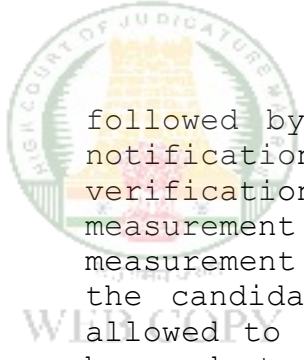
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Chandrasekar, G.A.

O R D E R

This Writ petition has been filed by the petitioner viz.,M.Vikram, challenging the impugned order dated 05.08.2015 disqualifying him on the ground that he crossed only 3.75 meters in stead of 3.80 meters in long jump.

2.Mr.Herold Singh, learned counsel appearing for the petitioner would submit that the petitioner, after completing Master of Computer Application at Raja Engineering College, Madurai, in response to the notification issued by the 2nd respondent dated 08.02.2015 inviting application from the suitable candidates for the post of Sub Inspector of Police, has sent his online application on 10.03.2015. Thereafter, a written test was conducted for open quota on 23.05.2015. After participating in the written test, the petitioner claims that he has secured good marks. Hence, he was called for certification verification



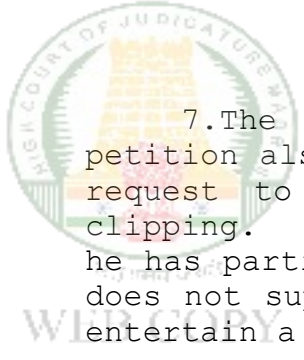
followed by physical measurement test and endurance test. As per the notification, only the candidates, who cleared the certification verification alone will be allowed to participate in the physical measurement test and the candidates, who are qualified in the physical measurement test alone will be allowed to attend endurance test and then the candidates, who are qualified in the endurance test alone will be allowed to attend the physical endurance and thereafter, viva-voice will be conducted for the candidates.

3.The learned counsel for the petitioner submitted that the petitioner has crossed all the 4 stages and he was selected for the 5th stage ie., for physical efficiency test. It consists of 3 events namely, rope claiming, high jump or long jump and 100 meters or 400 meters. Adding further, the learned counsel for the petitioner would submit that the petitioner has successfully completed all the test till rope claiming. However, when the petitioner was asked to participate in the long jump, which he has opted for, the petitioner jumped and also crossed the line specified for the minimum crossing point measurement and thereafter, he was informed that he jumped 3.80 meters and when he was waiting for the next event ie., 100 meters or 400 meters run, he was informed that he was disqualified as he jumped less than the minimum distance ie., he jumped only 3.73 meters instead of 3.80 meters. The contention of the learned counsel for the petitioner is that while jumping on the sand, there are so many possibilities for giving wrong impression. Without considering these things, the measurement has not been properly done. If there had been a correct and proper measurement, the petitioner would be selected for the post of Sub Inspector of Police. But, in the present case, the measurement has not been properly made. In stead of noting 3.80 meters, they have wrongly measured 3.73 meters.

4.Adding further the learned counsel for the petitioner would submit that even after the petitioner's jump, he was informed that he has rightly crossed 3.80 meters. Therefore, the learned counsel for the petitioner sought for a direction directing the respondents to produce the video clipping before this Court so that the Court would be able to see whether the petitioner has really passed the test or not.

5.The learned Government Advocate appearing for the respondents would submit that in a similar circumstances, this Court has already rejected the similar prayer on the ground of laches, since the petitioners therein have approached this Court belatedly. I find merits in her submission, for similar matters are already dismissed on delay.

6.Therefore, this Court cannot entertain this Writ petition as the petitioner has not acted diligently. Approaching this Court belatedly itself would show that the petitioner is taking time. The impugned order was passed on 05.08.2015. After a lapse of 25 days, when the entire selection committee had wound up, the present Writ petition has been belatedly filed. In any event, the issue involved is a finding of fact. When the selection committee has disqualified the petitioner on the ground that he has not crossed 3.80 meters, it is not advisable for this Court sitting under Article 226 of the Constitution of India to delve into the disputed question of fact whether he passed the test or not.



7.The ground taken in the affidavit filed in support of the Writ petition also does not show any basis warranting this Court to accept the request to issue direction to the respondents to produce the video clipping. But the petitioner has come to this Court on the ground that he has participated in the long jump event and crossed 3.80 meters, which does not support any material. Therefore, this Court is not inclined to entertain a belated prayer.

8.Accordingly, the Writ petition fails and the same is dismissed. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St.George, Chennai.

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Chennai.

3.The Secretary,
Tamil Nadu Uniform Service Recruitment Board,
Chennai.

4.The Chairman,
Recruitment Sub Committee,
Madurai Center, Madurai.

+1cc to Mr.S.C.Heroldsingh, Advocate SR.No. 50289

+1cc to The Special Government Pleader, Madurai. SR.No.50382

W.P. (MD) No.15662 of 2015

31.08.2015

nbj

NS/SKS-RR/05.11.2015 : 3P/7C